

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff/Respondent,)	
)	
vs.)	Criminal No. 10-2626 WJ
)	Civil No. 16-1239 WJ/SMV
)	
PEDRO LEONARDO MASCHERONI,)	
)	
Defendant/Movant.)	

UNITED STATES' UNOPPOSED MOTION TO EXCEED PAGE LIMITATION

The United States respectfully submits this unopposed motion seeking an extension of the page limitation applicable to its Answer to Defendant Pedro Leonardo Mascheroni's "Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody." Doc. 579.¹ In support of this request, the United States submits the following:

1. On June 21, 2013, Defendant pleaded guilty in this case, pursuant to a plea agreement. *See* Docs. 414, 417.
2. On January 28, 2015, Defendant was sentence to a 60-month term of imprisonment for each count of conviction, said terms to run concurrently. *See* Doc. 558. The judgment was entered the following day, January 29, 2015. *See* Doc. 564.
3. On February 20, 2015, Defendant filed a notice of appeal. *See* Doc. 567.
4. On August 20, 2015, the Tenth Circuit Court of Appeal dismissed Defendant's appeal. *See* Doc. 576.

¹ Citations to "Doc." throughout refer to the criminal docket in 10-CR-2626 WJ.

5. On November 11, 2016, over three years after pleading guilty and almost two years after being sentenced, Defendant timely filed the instant § 2255 motion. *See* Doc. 579.
6. Defendant's § 2255 motion raises five separate alleged grounds for relief. Each ground for relief, in turn, has multiple sub-claims. Defendant's § 2255 motion does not, however, address the impact of the collateral attack waiver contained in his plea agreement, which bars nearly the entirety of the claims Defendant has raised. The United States' Answer is therefore comprised of two parts: (1) what is effectively a motion to enforce the collateral attack waiver contained in Defendant's plea agreement and (2) a response to the specific allegations raised in Defendant's § 2255 motion. If the United States had divided its Answer into two separate filings the local criminal rules would have permitted the United States to file a combined total of 51 pages. *See* D.N.M.LR-Cr. 47.9 (allowing 27 pages for motion and 24 pages for motions response). Because the two parts of the United States' Answer raise such closely related issues, however, the government combined both parts into one shorter filing of approximately 38 pages in an effort to economize the resolution of Defendant's § 2255 motion. By combining the two parts of its Answer into one document the United States' filing exceeds the page limitation applicable to a single response, but is less than total number of pages applicable to two filings.
7. Accordingly, in order to adequately address all of the claims and sub-claims, as well as the impact of the collateral attack waiver, in an efficient and comprehensive manner the United States requires more pages than are allotted to responses to standard motions that implicate fewer legal and factual issues than are raised in

Defendant's § 2255 motion. Accordingly, the United States requests that the Court permit the United States to file an Answer of 38 pages in length.

8. The requested extension is intended to aid the Court in resolution of the issues raised in this litigation and will not prejudice Defendant, as the United States will not oppose an extension of the page limitation applicable to any reply brief, should he choose to file one.
9. Counsel for Defendant indicated that Defendant does not oppose the requested extension of the page limitation.

Respectfully submitted,

JAMES D. TIERNEY
Acting United States Attorney

Electronically filed March 13, 2017
FRED FEDERICI
HOLLAND S. KASTRIN
Assistant United States Attorneys
P.O. Box 607
Albuquerque, New Mexico 87103
(505) 346-7274

I HEREBY CERTIFY that I filed the foregoing motion electronically via CM/ECF which will cause this motion to be delivered to counsel for Defendant.

Electronically filed March 13, 2017
HOLLAND S. KASTRIN
Assistant United States Attorney